



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

November 2, 2004

CERTIFIED MAIL
7000 1670 0000 0585 8629
RETURN RECEIPT REQUESTED

NOTICE OF PAST VIOLATION

Benchmark Electronics, Inc.
65 River Road
Hudson, NH 03051

Attn: Jon King, President

Re: Benchmark Electronics, Inc.
Hudson, New Hampshire
EPA ID # NHD980672349

Dear Mr. King:

On August 26, 2004, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of Benchmark Electronics, Inc. ("Benchmark") in Hudson, NH. The purpose of the inspection was to determine Benchmark's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

1. Env-Wm 502.01 – Hazardous Waste Determination

At the time of the inspection, no formal hazardous waste determination had been performed for the waste "lab pack" material stored in the main hazardous waste storage area.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requested that Benchmark develop a procedure to ensure that a complete hazardous waste determination is performed on waste "lab pack" material when it is generated. Benchmark will need to provide a copy of the determination procedure to DES.

In an October 5, 2004 email, John Bilsky, Manager of Environmental Health & Safety, provided a copy of a hazardous waste determination procedure for "lab pack" material. No further action is required.

2. Env-Wm 507.03(a)(1)d. - Container Marking

At the time of the inspection, two (2) containers of hazardous waste "used oil" were not marked with the EPA or state waste number. See the attached Container Inventory ("Inventory").

Env-Wm 507.03(a)(1)d. requires that all containers and tanks used for the storage of hazardous waste to be marked with the EPA or state waste number.

DES requested that Benchmark properly mark all containers and tanks of hazardous waste at the time they are first used to store waste with the EPA or state waste number.

In a September 3, 2004 email, John Bilsky stated that hazardous waste "used oil" will be coded as MA01/NH01. No further action is required.

3. Env-Wm 509.02(a)(2) – Personnel Training

A review of Benchmark's personnel training records revealed that two (2) employees, Steve Vinal and Gary Shubelka, responsible for hazardous waste management, had not received hazardous waste training and/or taken part in annual reviews. The employees had received OSHA 1910.120 training, however, the training program was not sufficient to cover the requirements outlined in Env-Wm 509.02(a)(2).

Additionally, the training records failed to document a training program which includes a list of hazardous waste job titles, job descriptions, descriptions of introductory and continuing training to be provided for each position, and names of employees filling each position.

Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program. This includes, but is not limited to, ensuring that initial training and annual reviews are conducted for personnel handling hazardous waste, and requires full quantity generators to maintain specific documents and records related to personnel training.

DES requested that Benchmark conduct and document hazardous waste training and annual reviews for all employees who handle hazardous waste, and maintain a written personnel training program which provides a description of the type and amount of introductory and continuing training that is given to persons filling each hazardous waste related position.

DES also requested that Benchmark maintain, as part of the program, documentation of hazardous waste job titles, job descriptions, and names of employees filling each position and a description of the type and amount of introductory and continuing training to be given to each person filling a position with hazardous waste management duties (refer to the enclosed FQG Module).

In the October 5, 2004 email John Bilsky provided a copy of Benchmark's personnel training program to DES. Steve Vinal was trained in hazardous waste management by John Bilsky in October 2004; Gary Shubelka is no longer employed by Benchmark. No further action is required.

4. Env-Wm 509.02(a)(3) – Requirements for Ignitable and Reactive Wastes

At the time of the inspection, Benchmark had not posted a "No Smoking" sign near the main hazardous waste storage area, which is used to store ignitable wastes.

Env-Wm 509.02(a)(3), which references 40 CFR 265.17, requires that generators post a "No Smoking" wherever there is a hazard from ignitable or reactive waste.

DES requested that Benchmark post a "No Smoking" sign at the main hazardous waste storage area.

In the September 3, 2004 email, John Bilsky stated that a "No Smoking" sign had been posted on the doors entering the chemical storage room. No further action is required.

5. Env-Wm 509.02(a)(5) – Contingency Plan

A review of Benchmark's contingency plan revealed deficiencies regarding the following:

- (a) The home telephone numbers and home addresses of the emergency coordinators;
- (b) Instructions to notify local authorities in the event of an evacuation;
- (c) Instructions to notify DES if human health or the environment is threatened and to include in the notification the items listed in 40 CFR 265.56(d)(2)(i)-(vi);
- (d) Instructions to notify either the local fire chief or the National Response Center at (800)424-8802;
- (e) Provisions to ensure that material which is incompatible with released material is not treated, stored or disposed of until cleanup procedures are complete; and
- (f) Instructions to notify local authorities that the facility is in compliance with 40

CFR 265.56(h)(1) & (2) before resumption of activities.

Env-Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requested that Benchmark revise and update its contingency plan to correct any deficiencies as identified in the enclosed Contingency Plan Module and submit the revised plan or revised portions of the plan to the local police department, fire department, hospital, and state and local emergency response teams.

In a September 23, 2004 email, John Bilsky provided an updated contingency plan to DES. No further action is required.

6. Env-Wm 509.03 – Satellite Storage

At the time of the inspection, Benchmark was handling one (1) 55-gallon container of hazardous waste “lead filters” located in the Boiler Room as a satellite storage container; however, the location of this container did not meet the definition of “at or near the point of generation.”

Env-Wm 509.03 requires that all satellite storage containers be located at or near any point of generation where the wastes initially accumulate and be under the control of the operator of the process generating the waste.

DES requested that Benchmark manage the container of hazardous waste “lead filters” located in the Boiler Room according to the provisions of Env-Wm 509.02 (i.e., full storage area regulations).

In the September 3, 2004 email, John Bilsky stated that the satellite storage container in the Boiler Room had been relocated to the main storage area. No further action is required.

7. Env-Wm 509.03(g) – Satellite Storage Requirements

At the time of the inspection, one (1) 5-gallon satellite storage container of hazardous waste “lead debris” observed in the EMC Room was not marked with words that identify the contents of the container (see the attached Inventory).

Env-Wm 509.03(g) requires that at the time the satellite storage container(s) are first used to store wastes, the hazardous waste container(s) are marked with the words “hazardous waste” and with words that identify the contents of the container(s).

DES requested that Benchmark properly mark all satellite containers of hazardous waste with the words “hazardous waste” and words that identify the contents of the container.

In the September 3, 2004 email, John Bilsky stated that labels had been put on all of the satellite containers to describe the contents as hazardous waste. No further action is required.

8. Env-Wm 1102.03 - Universal Waste Battery Management

At the time of the inspection, two (2) boxes of universal waste batteries stored in the main hazardous waste storage area were not marked with the words "Universal Waste - Battery," "Waste Battery," or "Used Battery" (see the attached Inventory).

Env-Wm 1102.03, which references Env-Wm 1109.04, requires universal waste handlers of batteries to ensure all batteries or containers holding universal waste batteries to be clearly labeled or marked with any of the following: "Universal Waste - Battery(ies)," "Waste Battery(ies)," or "Used Battery(ies)."

DES requested that Benchmark clearly label or mark its universal waste batteries with any of the following: "Universal Waste - Battery," "Waste Battery," or "Used Battery."

In the September 3, 2004 email, John Bilsky stated that the containers holding universal waste batteries have been properly labeled. No further action is required.

9. Env-Wm 1102.03(c) - Universal Waste Lamp Management

At the time of the inspection, eleven (11) containers of universal waste lamps were not closed (see the attached Inventory).

Env-Wm 1102.03(c)(1) requires universal waste containers to be closed, except when universal waste is being added to or removed from the container.

DES requested that Benchmark ensure that all containers of universal waste lamps are closed, except when universal waste is being added to or removed from the container.

In the September 3, 2004 email, John Bilsky stated that a procedure outlining collection requirements will be instituted to ensure that universal waste lamp containers are kept closed. No further action is required.

10. Env-Wm 1102.03(c) and Env-Wm 1112.03(a) - Universal Waste Lamp Management

At the time of the inspection, thirteen (13) universal waste lamps were not stored in containers (see the attached Inventory).

Env-Wm 1112.03(a) requires universal waste handlers to store intact and broken universal waste lamps in container(s) that meet the requirements of Env-Wm 1102.03(c).

Env-Wm 1102.03(c) requires that containers must be closed, compatible with the universal waste and its contents, and free of defects, design characteristics or damage.

DES requested that Benchmark ensure that all universal waste lamps are stored in containers that are closed; compatible with the universal waste and its contents; and free of defects, design characteristics, or damage.

In the September 3, 2004 email, John Bilsky stated that a procedure outlining collection requirements will be instituted to ensure that universal waste lamps are stored in containers. No further action is required.

11. Env-Wm 1102.03 and Env-Wm 1112.04 - Universal Waste Lamp Management

At the time of the inspection, forty-two (42) universal waste lamps and containers of universal waste lamps were not marked with the words "Universal Waste - Lamps", "Waste Lamp(s)", or "Used Lamp(s)" (see the attached Inventory).

Env-Wm 1112.04 requires universal waste handlers of lamps to ensure each universal waste lamp or container(s) holding universal waste lamps to be clearly labeled or marked with any of the following: "Universal Waste - Lamps", "Waste Lamp(s)", or "Used Lamp(s)."

DES requested that Benchmark clearly label or mark universal waste lamps and container(s) holding universal waste lamps with any of the following: "Universal Waste - Lamps", "Waste Lamp(s)", or "Used Lamp(s)."

In the September 3, 2004 email, John Bilsky stated that a procedure outlining collection requirements will be instituted to ensure that universal waste lamp containers will be properly labeled. No further action is required.

DES believes the deficiencies identified during the inspection have been corrected and acknowledges receipt of documents that corroborate the corrective measures taken by Benchmark to achieve compliance. Accordingly, no further action in response to the listed deficiencies is required. However, DES personnel may re-inspect your facility at a later date to determine whether the facility is maintaining full compliance with the applicable rules. Fines may also be pursued for any or all violations observed during this or subsequent inspections of the facility.

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This report may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at (1-866) HAZ-WAST (in-state only) or (603) 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Robert Bishop, or Tod Leedberg of the Hazardous Waste Compliance Section at 271-2942. Specific questions regarding water related issues may be directed to Stergios Spanios of DES's Water Division at 271-6637, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,

COPY

John J. Duclos, Supervisor
Hazardous Waste Compliance Section
Waste Management Division

cc: DB/RCRA/LOD/Archives
Anthony P. Giunta, P.G., Director, WMD
Gretchen Hamel, Administrator, DES Legal Unit
John Bilsky, Benchmark Electronics, Inc., 65 River Road, Hudson, NH 03051
Michael A. Sills, Ph.D., P.E., Administrator, Waste Management Programs, WMD

E-mail: JJD/SD/SS/PM

Enclosure: Hazardous Waste Generator Inspection Report

